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MCKEE VOORHEES & SEASE

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DATE: December 3, 2002

TO: Art Unit 1637

COMPANY: United States Patent and Trademark Office

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FROM: Heidi S. Nebel

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COMMENTS: Please see the attached Response to Restriction Requirement and Petition and Fee for Extension of Time Under 37 C.F.R. § 1.136(a) RE:

APPLICANT: Rothschild *et al.*
SERIAL NO: 09/900,063
FILED : July 6, 2001
TITLE : PROLACTIN RECEPTOR GENE AS A
GENETIC MARKER FOR INCREASED
LITTER SIZE IN ANIMALS

Grp./A.U. : 1637
Examiner : Fredman, Jeffrey Norman
Conf. No. : 8599
Docket No. : P02285USS

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Rothschild *et al.*
SERIAL NO : 09/900,063
FILED : July 6, 2001
TITLE : **PROLACTIN RECEPTOR GENE AS A GENETIC MARKER FOR
INCREASED LITTER SIZE IN ANIMALS**

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Docket No. : P02285US5

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Commissioner:

In response to the Restriction Requirement dated October 3, 2002, Applicants hereby elect with traverse to proceed with invention I—Claims 1-29, 36-40.

Applicants also elect with traverse to proceed with Species III-Mse 1 restriction site, SEQ ID NOS:12 and 13.

Claims 1-40 are pending in this application. The Examiner has restricted the claims to three inventions:

Invention I—claims 1-29, 36-40 drawn to methods of screening for prolactin polymorphisms associated with litter size;

Invention II—claims 30, 34, drawn to primers in DNAs associated with prolactin; and

CERTIFICATE OF FACSIMILE (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being transmitted via facsimile to: Technology Center 1600 (Art Unit 1637) 703-872-9306 Attn: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 3 day of December 2002.


Heidi S. Nebel

Invention III-claims 31-34, drawn to alleles.

The Examiner also states the application contains claims directed to the following patentably distinct species of the claimed invention. They are:

Species I-Alu I restriction site, SEQ ID NOS: 1 and 2;
Species II-HinFI restriction site, SEQ ID NOS: 8 and 9;
Species III-MseI restriction site, SEQ ID NOS: 12 and 13;
Species IV-HypCh4IV restriction site, SEQ ID NOS: 10 and 11;
Species V- SEQ ID NO: 3;
Species VI- SEQ ID NO: 4;
Species VII- SEQ ID NO: 5;
Species VIII- SEQ ID NO: 6;
Species IX- SEQ ID NO: 7;
Species X- DNA Marker SW1305;
Species XI- DNA Marker S0077;
Species XII- DNA Marker S0006;
Species XIII- DNA Marker SW2411;
Species XIV- DNA Marker SW1035;
Species XV- DNA Marker S0111.

Applicants respectfully submit that no separate search is required to the non-elective inventions as all claims are generally directed to the detection of genetic differences for reproductive efficiency among pigs and can be reviewed in a single search. Reconsideration of this restriction is requested.

In addition, Applicants respectfully submit that no separate search is required for the non-elective species, as all the species are generally directed to operate to detect genetic differences for reproductive efficiency among pigs and can also be reviewed in a single search. Reconsideration of this restriction is requested.

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Respectfully submitted,


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